



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/798,627

03/11/2004

Thaddeus John Kobylarz

6662

7590
Thaddeus J. Kobylarz
30 Altamont Ct.
Morristown, NJ 07960

09/18/2007

EXAMINER

YOUNG, JANELLE N

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

09/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,627

Applicant(s)

KOBYLARZ, THADDEUS JOHN

Examiner

Janelle N. Young

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 7 and 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-4, 6-7, & 9-13 have been considered but are moot in view of the new ground(s) of rejection.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-7, and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Dupray (US Pub 2004/0198386) and further in view of Mikhailov et al. (US Pub 2003/0018714).

As for claim 1, Dupray teaches a process which of combining services to build a wireless mobile communication service by means of a graphical user interface (GUI) (Page 16-17, Para 0169 and Page 49, Para 00564; of Dupray)., wherein:

a built wireless mobile communication service, termed herein compound wireless mobile communication service (CWS), consists of component services and a compiled said CWS is enacted as a sequence of the said combined

services. by a mobile station (MS) or executed by a mechanism used to communicate to said MS, whereby the following building steps comprise a unique and a novel software process to build a said CWS: (Page 1, Para 0002; Page 14, Para 0154; Page 15, Para 0155, 0158 & 0160; and Page 16, Para 0165 of Dupray).

What Dupray does not explicitly teach is a builder selects a component service from a menu and drags an image (icon) of the selected said component service to a build area of a computer screen used for building said CWS.

However, Mikhailov et al. teaches a process which of combining services to build a wireless mobile communication service by means of a graphical user interface (GUI) (Page 14, Para 0191 of Mikhailov et al.), wherein

a) A builder selects a component service from a menu and drags an image (icon) of the selected said component service to a build area of a computer screen used for building said CWS (Abstract; Page 2-3, Para 0016; Page 13, Para 0182; and Page 16, Para 0203 of Mikhailov et al.).

b) After the builder locates the said component service icon in the said build area for building a said CWS, for those component services having parameters, a compiler displays a window containing the said component service's parameter names and default values for these parameters (Page 15, Para 0196; Page 26, Para 0299; and Page 38, Para 0405 of Mikhailov et al.).;

c) The said CWS builder is now permitted by the said compiler to substitute new parameter names and to change default parameter values to represent initial condition values for the parameters when the said compiled CWS begins its execution(Page 15, Para 0196; Page 26, Para 0299; and Page 38, Para 0405 in respect to Page 21, Para 0255-0258 and Page 22, Para 0261 of Mikhailov et al.);

d) After completion of the preceding step, the said compiler's window disappears and a graphical icon representation of the said component service remains containing the said CWS builder's decided parameter names, along with a window of the said CWS builder's decided parameters' initial condition values (Fig 16a-e; Page 16, Para 0205; and Page 29, Para 0325 of Mikhailov et al.);

e) If the said CWS is to contain another said component service, steps a), b), c), and d) are iterated such that for more than one said component service, the builder identifies the sequence of said component service executions by selecting an arrowed line icon from a menu and dragging the icon line to interconnect a pair of said component services such that the tail of the arrowed line begins at the antecedent said component service icon and the arrow head terminates on the succeeding said component service icon (Page 3, Para 0017-0020 of Mikhailov et al.)

It would have been obvious to one of ordinary skill of the art at the time the invention was made to incorporate the proactive browser system, as taught by Mikhailov

Art Unit: 2618

et al., in the applications for a wireless location gateway of Dupray, because Dupray already s "always accessible" capability may be presented at the user's wireless mobile station via a graphical user interface such that a proactive intelligent collection of applications wherein such applications may function(Page 16-17, Para 0169 and Page 49, Para 00564; of Dupray).

The motivation of this combination would improve both real and perceived system performance, accommodates increased levels of application functionality, and enables increased levels of customer acceptance. The combination would greatly improve web-based browser functionality and the infrastructure for implementing wireless web-based application services. The specific techniques and structures employed to improve over the drawbacks of prior web-based browsers and application service systems (Page 2, Para 0015 and Page 4, Para 0026 of Mikhailov et al.).

As for claim 2, Mikhailov et al. teaches a process, further comprising:

a combination of fundamental wireless mobile communication services
(fundamental wireless mobile communication services (FWS):

wherein the said FWS are basic component; which reads on
claimed elementary component, services, representing building block
services, that are produced by conventional coding via a suitable software
language, and these said FWS are considered by the said method to be
single services; meaning that the said FWS represent the bases for all

Art Unit: 2618

said CWS. (Fig. 10; Page 6, Para 0108; and Page 11, Para 0144; of Mikhailov et al.).

As for claim 3, Mikhailov et al. teaches a process, further comprising:

said component services that themselves are a combination of services built by the process of claim 1, signifying that the process of claim 1 permits a builder to apply recursion of said CWS when building a said CWS. (Fig. 10; Page 6, Para 0108 & 0111; and Page 11, Para 0144 in respect to Page 17, Para 0210-0212 and Page 33, Para 0366 of Mikhailov et al.).

As for claim 4, Mikhailov et al. teaches a process, further comprising:

said component services that are built from a combination of said fundamental wireless mobile communication services and a combination of said compound services (Fig. 10; Page 6, Para 0108 & 0111; and Page 11, Para 0144 of Mikhailov et al.).

As for claim 5, Cancelled

As for claim 6, Mikhailov et al. teaches a process, wherein: a said CWS compound may have as its builder one or more of the following independent and disparate parties without the necessity of preliminary negotiations among these parties:

wireless mobile communication subscribers/users (Page 4, Para 0063; Page 12, Para 0139; Page 14, Para 0154; and Page 53, Para 0634-0635 of Mikhailov et al.);

wireless mobile communication service providers (Page 2, Para 0022; Page 13, Para 0145-0146; Page 16, Para 0163; Pages 19-20, Para 0223; and Page 23, Para 0257 of Mikhailov et al.);

wireless mobile communication equipment suppliers/manufacturers; computer software suppliers/manufacturers (Page 3, Para 0053; Page 12, Para 0137; Page 14, Para 0154; Page 43-44, Para 0491; and Page 47, Para 0535; and Page 51, Para 0593 of Mikhailov et al.);

third party applications/services providers (Page 14-15, Para 0154-0157),.

As for claim 7, Mikhailov et al. teaches a process, wherein the following methods apply:

a) building said CWS using computer facilities and then compiling and downloading said CWS into said MS (Page 14, Para 0154; Page 216 Para 0163; and Page 17, Para 0170 of Mikhailov et al.);

b) using said the computer facilities to select graphical and/or textual images that represent said component services to build said CWS where said component services are represented by named operational or functional expressions that can contain dependent parameters and/or independent

Art Unit: 2618

parameters (Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687 of Mikhailov et al.);

c) using said computer facilities to request "help" to explain and clarify the application and use of a selected graphical and/or textual image (Page 42, Para 0475 in respect to Page 11, Para 0124-0131; Page 12, Para 0139; and Page 60, Para 0678 of Mikhailov et al.).

As for claim 8, Cancelled

As for claim 9, Mikhailov et al. teaches a process, wherein further improvements comprise:

a said MS that contains the said GUI and the said compiler build said CWS (Page 1, Para 0002; Page 14, Para 0154; Page 15, Para 0155, 0158 & 0160; and Page 16, Para 0165 of Mikhailov et al.).

As for claim 10, Mikhailov et al. teaches a process, wherein: facility services provide one or more of the following operations as component service in said CWSs:

a) Cartesian product of the real numbers; which reads on claimed arithmetic functions (Page 7, Para 0083 and Page 38-39, Para 0439 of Mikhailov et al.);

b) assigning values (e.g., equality), equality determination (e.g., determine when a wireless mobile terminal is at a certain location), and inequality

determination (e.g., determine if the computed travel time exceeds a specified limit) (Page 38, Para 0430 and Page 60, Para 0677-0678 in respect to Claim 1 of Mikhailov et al.);

c) conditioning the execution of said component service on an event determination (Abstract; Page 40, Para 0454; Page 41, Para 0465 of Mikhailov et al.);

f) pausing the execution of said CWS (Page 12-13, Para 0143; Page 4, Para 0154-155; page 26, Para 0293; Page 28-29, Para 0319 and Page 58, Para 0668 of Mikhailov et al.);

g) branching on a condition (Page 12, Para 0135; Page 25, Para 0284; Page 25, table LH-1; and Page 30, Para 0338-0341 of Mikhailov et al.);

h) displaying a parameter and i) announcing (playing) an audible parameter a value (Page 14, Para 0154; Page 19-20, Para 0223-0224; Page 57, Para 0665; and 61, Para 0687 in correspondence with Page 59, Para 0672; Page 60, Para 0677-0678 of Mikhailov et al.);

j) invoking said CWS; and

k) evaluating a service constraint.

As for claim 11, Mikhailov et al. teaches a process wherein further improvements comprise: menu and a compiler to use:

any of the fundamental wireless mobile communication services made available by source identified in claim 6 as a said component service to

Art Unit: 2618

build said CWS. (Page 2, Para 0021; Page 14, Para 0154; and Page 15, Para 0159; and Page 32, Para 0359 in respect to Page 29, Para 0323-0329 of Mikhailov et al.);

As for claim 12, Mikhailov et al. teaches a process, further comprising:

a menu of special capabilities that achieve the following:

a) drawing lines with arrowheads that manifests the execution sequence of said component services;

b) entering alphanumeric characters into said geometric elements when building a said CWS (Page 12-13, Para 0143; Page 27-28, Para 0309; and Page 43, Para 0487 of Mikhailov et al.); and

c) drawing geometric elements as rectangles; and diamonds, ellipses when building a said CWS.

As for claim 13, Mikhailov et al. teaches a process, inclusively, further comprising: a menu for:

a) testing a built said CWS for proper performance (Page 4, Para 0063; Page 9-10, Para 0106; Page 12, Para 0139; Page 14, Para 0154; and Page 53, Para 0634-0635 of Mikhailov et al.);

b) assigning an operational or functional expression to said CWS (Page 17, Para 0170; Page 53, Para 0624-0633; Page 55, Para 0647; and Page 57,

Para 0658-0660 and in correspondence with Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687 of Mikhailov et al.);

c) recording and storing a voice message as a value to be used in the said facility service that audibly announces comments (Page 61-62, Para 0684-0692 of Mikhailov et al.);

d) adding a said CWS operational or functional expression to the repertoire of component services for use to build other said CWS (Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687 of Mikhailov et al.);

e) saving a built said CWS in specified memory location (Page 14, Para 0156; Page 19, Para 0221; Page 27, Para 0299; Page 52, Para 0624-0633 and Page 58, Para 0667 of Mikhailov et al.);

f) copying a selected group of said component services into a temporary memory (Page 12, Para 0139; Page 14, Para 0149; and Page 58, Para 0668 of Mikhailov et al.);

g) undoing changes made while building a said CWS (Page 12-13, Para 0144 and Page 13, Para 0148 of Mikhailov et al.);

h) opening a said CWS display of interconnected said component services and i) opening any menu used to build a said CWS (Page 13, Para 0148 in respect to Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687-0688 of Mikhailov et al.); and

j) selecting line widths of geometric shapes in a displayed said CWS

(Page 27-28, Para 0309 and Page 43, Para 0487 of Mikhailov et al.).

As for Claim 14, Cancelled.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-

Art Unit: 2618

2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
July 23, 2007



QUOCHIEN B. VUONG
PRIMARY EXAMINER